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Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated May 11, 2011, the period for response being extended via the attached petition and fee for a one month extension of time. Claims 1, 6-8, 11-19, 21-24, 27, 28 and 30-32 are pending in the application. Claims 1 and 28 have been amended as set forth above. Claims 2-5, 9, 10, 25, 26 and 29 were previously cancelled. New claim 32 has been added. The amendments and new claim presented herein are fully supported in the application as originally filed. No new matter has been added. Accordingly, reconsideration is requested.

Telephone Interview Conducted on August 26, 2011:

Applicant wishes to thank Examiner McEvoy for the helpful and courteous telephone interview conducted with the undersigned attorney, on August 26, 2011, in which a proposed amendment to independent claim 1 and the following remarks were discussed. Applicant notes that claim 1 as amended herein is substantially similar to the proposed amendment, with the current amendment including some additional language for clarity. Independent claim 1 was discussed primarily in view of U.S. Publication No. 2002/0143349 by Gifford, III et al. ("Gifford"), including Figures 21-27 of Gifford. It was agreed that claim 1 as amended is not disclosed, suggested, or rendered obvious in view of Gifford. It was further agreed that method claim 28, which depends from claim 1, would likewise be distinguishable over Gifford.

Claim Rejections – 35 U.S.C. § 103:

Claims 1, 6-8, 11-19, 23, 24, 27, 28, 30 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0143349 by Gifford, III et al. ("Gifford"). Claims 21 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gifford in view of U.S. Publication No. 2003/0171739 by Murphy et al. ("Murphy").

Applicant respectfully traverses the rejections under 35 U.S.C. §103(a). However, in order to expedite prosecution and allowance of the claims, and without acquiescing in the rejections in any way, Applicant has amended independent claim 1 as set forth above. Applicant

respectfully submits that the claimed invention of independent claim 1 is clearly not disclosed or suggested or rendered obvious by the teachings of Gifford for reasons discussed in the aforementioned telephone interview, which are summarized below. Accordingly, Applicant respectfully submits that claim 1 and its dependent claims, namely claims 6-8, 11-19, 21-24, 27, 28, 30 and 31 are in condition for allowance.

Applicants submit that Gifford does not disclose or suggest the claimed invention of independent claim 1. For example, Gifford discloses a system for treating vascular malformations (e.g., aneurysms), such as shown in Figures 21 and 22, which are reproduced below. Gifford's expandable device (4B) includes a braided mesh (116) between first and second hubs (118, 120), with a central post (122) extending from the second hub (120) and including a locking mechanism (124) that engages the first hub (118) to hold the device in the expanded position of Figure 22. With the expandable device in its expanded position, a physician may treat an aneurismal wall to shrink the wall. The expandable device itself is a "monopolar RF electrode with the energy source being an RF generator coupled to the actuator 126" used to treat the aneurysm, and after the treatment, a sealant can be introduced to the expandable device to isolate the aneurysm from the parental vessel (Gifford at para. [0088]).

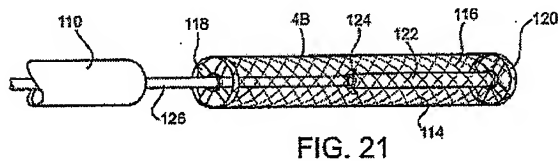


FIG. 21

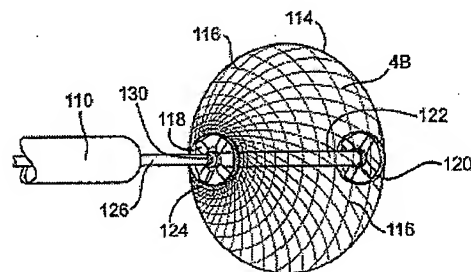


FIG. 22

Gifford further discloses a delivery catheter (140) having a lumen (142) coupled to a fluid source, and a cover that is positioned over the neck of an aneurysm such as shown in Figure 26, which is reproduced at right. The cover is disc-shaped and made of impermeable material for isolating the aneurysm from the parental vessel, and provides "temporary isolation of the aneurysm from the

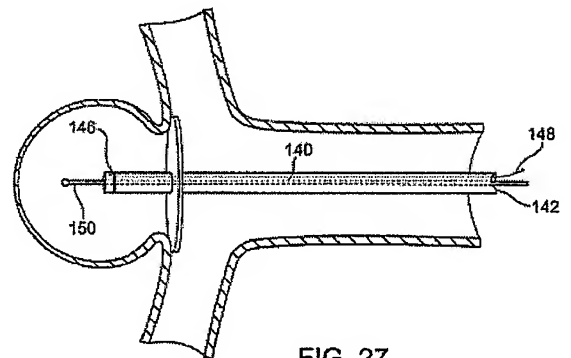
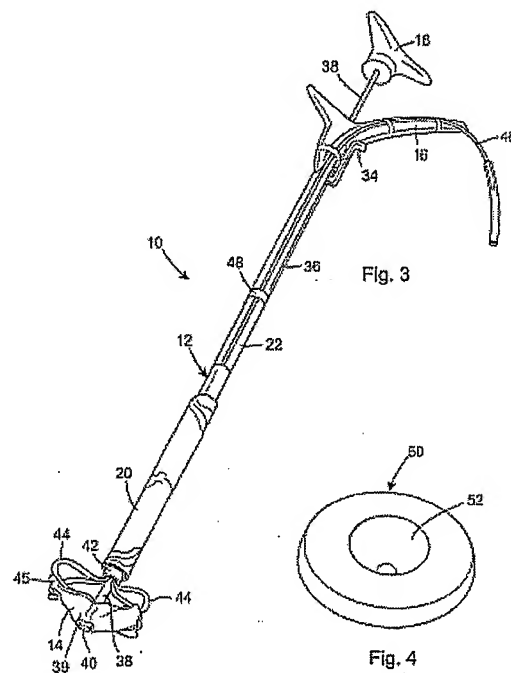


FIG. 27

parental vessel" (Gifford at para. [0091]). Once the catheter and the cover are in place, electrodes (146, 150) that pass through the catheter (140) are activated to shrink the aneurysm. Although the cover is described as being usable in connection with other catheters described by Gifford, there is no teaching or suggestion in Gifford of leaving the cover in place after treatment of a vessel, since the cover is described for temporary use and is attached to the catheter.

In stark contrast to the disclosure of Gifford, the device of the present invention claimed in independent claim 1 has a mesh (of a parietal surgical implant) with a mesh perimeter, a shaft mounting area, and an arm mounting position that is spaced apart from the shaft mounting area, plus an expanding means including a collar and at least one arm mounted between the collar and the arm mounting position on the mesh. The device of claim 1 further includes an abutment that is seated against the mesh to secure the mesh in place in an expanded state once the tip portion of the shaft is separated from a remainder of the shaft, with the tip portion of the shaft remaining in engagement with the mesh after separation of the tip portion from the remainder of the shaft. The abutment includes a recess in which the shaft's tip portion is seated, so that the abutment covers the tip portion of the shaft and distributes pressure exerted by the tip portion of the shaft following the closure of a surgical incision through which a hernia is accessed by the claimed device. An example of the claimed invention is shown in Figures 3 and 4 of the present application, which are reproduced at right.



Gifford clearly does not teach or suggest a device as claimed. For example, Gifford's expandable device (4B) with braided mesh (116) lacks an arm mounting position that is spaced apart from a shaft mounting area, with at least one arm mounted between a collar and the arm mounting position of the mesh. Gifford also does not teach or suggest an abutment with a

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recess in which a shaft tip portion is seated, for covering the shaft's tip portion following the closure of a surgical incision.

Accordingly, Applicants respectfully submit that Gifford does not disclose or suggest or anticipate or render obvious the device of the claimed invention, particularly as set forth in independent claim 1. With respect to the rejection of dependent claims 6-8, 11-19, 21-24, 27, 28, 30 and 31, Applicants submit that these dependent claims are allowable over the prior art of record for at least the reasons set forth above.

With respect to the rejection of dependent claims 21 and 22 under 35 U.S.C. §103(a) in view of Gifford and Murphy, these claim include each of the limitations of amended independent claim 1, and therefore Applicant respectfully submits that they are allowable for substantially the same reasons discussed above. Murphy is cited by the Examiner for teaching an inflatable balloon associated with a catheter. However, Murphy fails to make up for the deficiencies of Gifford with respect to independent claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §103(a) of dependent claims 21 and 22, which incorporate all of the limitations of independent claim 1.

New Claim

New claim 32 is submitted for consideration by the Examiner, and is based on independent claim 1 as amended.

Claims 1, 6-8, 11-19, 21-24, 27, 28 and 30-32 are currently pending in the application. Applicant respectfully submits that claims 1, 6-8, 11-19, 21-24, 27, 28 and 30-32 are in condition for allowance. In light of the above amendments and remarks, Applicant requests reconsideration of the present application and a Notice of Allowance of all pending claims. If the Examiner has any questions regarding the amendments and discussion above, the Examiner is requested to call the undersigned attorney at (616) 975-5500.

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Respectfully submitted,

PATRICK LEAHY

By: Gardner, Linn, Burkhardt & Flory, LLP

Dated: September 8, 2011

A handwritten signature in dark ink, appearing to read "Matthew D. Kendall", written over a horizontal line.

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